

5. Pursuant to *28 U.S.C. § 1331*, this Court has jurisdiction over this action because multiple claims raised in the Complaint arise under the Constitution and laws of the United States. Specifically, the Plaintiff assert claims against the Defendant arising under *42 U.S.C. § 1983* for alleged violations of Plaintiff's rights under the United States Constitution. Therefore, this action is appropriate for removal under *28 U.S.C. § 1441*.

6. Plaintiff also alleges several state claims based on the same alleged facts on which Plaintiffs' federal claims are based and seeks punitive damages. The state claims are so related to Plaintiffs' § 1983 claims "that they form part of the same case or controversy under Article III of the United States Constitution." *28 U.S.C. § 1367(a)*. The Court has supplemental jurisdiction pursuant to *28 U.S.C. § 1367(a)*, of the state law causes of action brought by Plaintiff.

7. Pursuant to *28 U.S.C. § 1446(d)*, contemporaneously with the filing of this Notice of Removal, the Defendant is filing with the Clerk of Superior Court of Mecklenburg County the Notice of State Court Removal that is attached hereto as Exhibit 4.

8. Based on the foregoing facts and law, this case is properly removable to this Court pursuant to *28 U.S.C. § 1441* and has been properly removed pursuant to *28 U.S.C. § 1446*.

WHEREFORE, the Defendant Mecklenburg County, having shown that the State Court Action is properly removable under federal question jurisdiction, respectfully requests the Court to exercise its jurisdiction over the State Court Action.

Respectfully submitted, this 2nd day of September 2020.

RUFF BOND COBB WADE & BETHUNE, LLP

s/Ronald L. Gibson

Ronald L. Gibson, NC Bar No. 8283

831 E. Morehead Street, Suite 560

Charlotte, NC 28202

Tel: 704-377-1634

Fax: 704-342-3308

Email: rgibson@rbcwb.com

s/Robert S. Adden, Jr.

Robert S. Adden, Jr., NC Bar No. 10223

831 E. Morehead Street, Suite 560

Charlotte, NC 28202

Tel: 704-377-1634

Fax: 704-342-3308

Email: radden@rbcwb.com

Attorneys for Defendant Mecklenburg County

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing

NOTICE OF REMOVAL

was electronically filed with the Clerk of the Court using the CM/ECF filing system and served via electronic transmission through the Court's facilities in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and applicable local rules upon the following CM/ECF participants:

Julie H. Fosbinder
Fosbinder Law Office
501 East Morehead Street, Suite 1
Charlotte, NC 28202

s/ Ronald L. Gibson
Ronald W. Gibson, NC Bar No 8283
Ruff, Bond, Cobb, Wade & Bethune, L.L.P.
831 East Morehead Street, Suite 560
Charlotte, NC 28202